



U.S. Department
of Transportation
**Research and
Special Programs
Administration**

400 Seventh St., S.W.
Washington, D.C. 20590
AUG 22 2003

DOT-E 13235

EXPIRATION DATE: June 30, 2003

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Airgas, Inc.
Cheyenne, WY
2. PURPOSE AND LIMITATIONS:
 - a. This exemption authorizes transportation in commerce of a DOT Specification 4L cylinder containing certain refrigerated liquids which may be filled and discharged without removal from the motor vehicle. This exemption provides no relief from the Hazardous Materials Regulations (HMR) other than as specifically stated herein.
 - b. The safety analyses performed in development of this exemption only considered the hazards and risks associated with transportation in commerce.
3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.
4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR §§ 172.301(c) in that the packaging need not be marked with the exemption number and 177.834(h) in that a DOT Specification 4L cylinder may not be filled or discharged without being removed from the motor vehicle, except as provided herein.
5. BASIS: This exemption is based on the application of Chart Industries dated April 2, 2003, and additional information from Airgas, Inc., dated August 14, 2003, submitted in accordance with § 107.105 and the public proceeding thereon.

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6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Proper Shipping Name/ Hazardous Material Description	Hazard Class/ Division	Identi- fication Number	Packing Group
Argon, refrigerated liquid	2.2	UN1951	N/A
Nitrogen, refrigerated liquid	2.2	UN1977	N/A
Oxygen, refrigerated liquid	2.2	UN1073	N/A

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Packaging prescribed is a vacuum insulated DOT Specification 4L (§ 178.57) welded cylinder that must be in compliance with all requirements of the HMR (including, but not limited to design service temperatures, pressure relief devices, and filling limits) applicable to the hazardous material to be transported. The cylinder must be securely attached in an upright position to a steel frame enclosure in accordance with Chart Industries drawing numbers C-11814851 or C-11796171, on file with the Office of Hazardous Materials Exemptions and Approvals (OHMEA). The frame enclosure must be secured to a motor vehicle (truck or trailer) in accordance with Chart Industries drawings D-11773877 or D-11773869 on file with the OHMEA.

b. OPERATIONAL CONTROLS -

1. The frame enclosure must be secured to the motor vehicle in accordance with 49 CFR Parts 393.100 - 393.106.

2. The filling (or discharge) hose must not be transported containing any hazardous material.

3. Each motor vehicle transporting a packaged covered by this exemption must be attended at all times during loading and unloading operations by a qualified person. For the purposes of this requirement, "attended" and "qualified" have the meanings described in § 177.834(i)(3) and (4), respectively.

8. SPECIAL PROVISIONS:

a. In accordance with the provisions of Paragraph (b) of § 173.22a, persons may use the packaging authorized by this exemption for the transportation of the hazardous materials specified in paragraph 6, only in conformance with the terms of this exemption.

b. A current copy of this exemption must be maintained at each facility where the package is offered or reoffered for transportation.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle.

10. MODAL REQUIREMENTS: A current copy of this exemption must be carried aboard each motor vehicle used to transport packages covered by this exemption.

11. COMPLIANCE: Failure by a person to comply with any of the following may result in suspension or revocation of this exemption and penalties prescribed by the Federal hazardous materials transportation law, 49 U.S.C. 5101 et seq:

- o All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, Parts 171-180.
- o Registration required by § 107.601 et seq., when applicable.

Each "Hazmat employee", as defined in § 171.8, who performs a function subject to this exemption must receive training on the requirements and conditions of this exemption in addition to the training required by §§ 172.700 through 172.704.

No person may use or apply this exemption, including display of its number, when the exemption has expired or is otherwise no longer in effect.

12. REPORTING REQUIREMENTS: The carrier is required to report any incident involving loss of packaging contents or packaging failure to the Associate Administrator for Hazardous Materials Safety (AAHMS) as soon as practicable. (Sections 171.15 and 171.16 apply to any activity undertaken under the authority of this exemption.) In addition, the holder(s) of this exemption must also inform the AAHMS, in writing, as soon as practicable of any incidents involving the package and shipments made under this exemption.

Issued at Washington, D.C.



Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety

AUG 22 2003

(DATE)

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Research and Special Programs Administration, Department of Transportation, Washington, D.C. 20590.
Attention: DHM-31.

Copies of this exemption may be obtained by accessing the Hazardous Materials Safety Homepage at <http://hazmat.dot.gov/exemptions> Photo reproductions and legible reductions of this exemption are permitted. Any alteration of this exemption is prohibited.

PO: cwf:dl